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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,027	08/10/2006	Raymond Gass	Q96444	4216
23373 7590 10/08/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT 2614	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/589,027

**Applicant(s)**

GASS ET AL.

**Examiner**

PHUNG-HOANG J. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites several times "a signaling message" on lines 7, 12 and 19. Claim 1 also recites several times "the signal message" on lines 15 and 17. Are they the same? Claim 1 also recites "the location of a communication terminal" making it insufficient antecedent basis. Claims 2-14 are rejected for being depending on rejected claim 1. Claim 15 also recites several times "a signaling message".

Correction/Clarification is required.

4. Claims 4 and 5 recite "the form" without directing to any form claimed. This makes the claims insufficient antecedent basis.
5. In general, the claim language is poorly presented in formality either by indefiniteness or lack of antecedent basis. Applicant is required to amend the claim language to meet the basic quality of an application.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1, 3, 7, 9-10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McCalmont et al (US Pat 6,771,742):**

As to claim 1, McCalmont teaches a method of sending a call center (ECC) data representative of the location of a communication terminal (T), consisting, in the event of a request to set up a call between that terminal (T) and that call center (ECC), in: constituting and then sending to the call center:

a signaling message requesting **(a call or request, col. 3, line 49)** the setting up of a call between this terminal (T) **(Mobile communication device 268 or a landline device 224 of fig. 2)** and a call center (ECC) **(Emergency service network 208 comprising PSAP 244 of fig. 2)** and comprising an unambiguous call identifier **(caller identification, and additional information, such as information regarding the location of the caller and the nature of the emergency, Abstract)**, and

a location message comprising data representative of the location of the calling terminal (T) and the same call identifier **{pertinent information (e.g., latitude and longitude, street address, vehicle collision data, etc.) related to the caller, Col. 3, line 52}}**, and

in the call center, associating a signaling message and a location message received by the call center and comprising a same call identifier, characterized in that,

to constitute the signaling message (**ALI 248 of fig. 2 does this function, col. 5, lines 20-27**) comprising an unambiguous call identifier, an unambiguous call identifier is generated in a network node (**network node 200 of fig. 2, col. 7, lines 25-36**) receiving the signaling message sent by this terminal and requesting the setting up of a call and that unambiguous call identifier is then integrated into a signaling message aimed at the call center and requesting the setting up of a call, and, to constitute the location message comprising the call identifier, a location message is generated and the same call identifier is integrated into that location message (**ALI 248 does this function, col. 5, lines 20-27**).

**8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Leung (US Pat 6,907,238):**

**As to claim 1**, Leung teaches a method of sending a call center (ECC) data representative of the location of a communication terminal (T), consisting, in the event of a request to set up a call between that terminal (T) and that call center (ECC), in:

constituting and then sending to the call center:

a signaling message (**beacon to determine ... the terminal's identification, an estimate of the terminal's position, information about the caller, information related to the event, and so on, or any combination thereof, col. 9, line 49-col. 10, line 10**) requesting the setting up of a call (**connection with a distress call or 911 call, col. 2, line 17**) between this terminal (T) (**terminal 100 of fig. 1 or a wireless terminal, such as PDA 140 of**

**fig. 1-3)** and a call center (ECC) (**PSAP call center 170 of fig. 2 and 3**) and comprising an unambiguous call identifier and

a location message comprising data representative of the location of the calling terminal (T) and the same call identifier (**the beacon allows the terminal to be accurately located even if it has moved or is physically located in an enclosed or "not-so-obvious" location (e.g., inside a building), col. 2, lines 19-22**) and in the call center, associating a signaling message and a location message received by the call center and comprising a same call identifier, characterized in that, to constitute the signaling message comprising an unambiguous call identifier, an unambiguous call identifier is generated in a network node (**wireless network 150 of fig. 3**) receiving the signaling message sent by this terminal and requesting the setting up of a call and that unambiguous call identifier is then integrated into a signaling message aimed at the call center and requesting the setting up of a call, and, to constitute the location message comprising the call identifier, a location message is generated and the same call identifier is integrated into that location message (**see col. 6, lines 7- 58: the whole characterization is summarized**).

**As to claim 3**, McCalmont teaches the user-to-user signaling channel is used to send the text message over an integrated services digital network using synchronous time division multiplexing (col. 5, line 1-4).

**As to claim 7**, McCalmont teaches that said text message includes a field dedicated to data representative of the nature of the call identifier (**emergency such as**

**car crash, medical emergency and an alarm)** followed by a field dedicated to said call identifier (**caller identification**) and at least one field dedicated to data representative of said location (**location... col. 9, lines 57-60 for all three fields**).

**As to claims 9-10**, McCalmont teaches that said text message (**see claims 2 and 4-5**) includes at least three fields dedicated to location data, a first field being dedicated to a latitude measurement, a second field being dedicated to a longitude measurement and a third field being dedicated to an altitude measurement; and that said text message includes at least three fields respectively dedicated to the resolutions of the latitude, longitude and altitude measurements and respectively associated with said first, second and third location fields (**the positioning server 256 extracts location information, such as latitude and longitude information, received from the emergency service call center 212, and uses this information to query the coordinate routing database 252, col. 9, line 6-29. Note that McCalmont only mentioned longitude and latitude. The altitude is obvious since this is common element of satellite calculation as McCalmont also teaches satellite 280 of fig. 2**).

**As to claims 12-14**, McCalmont teach that said call identifier is placed in a free field of said signaling message requesting the setting up of a call between the terminal (T) and a call center (ECC) (**routing of requests for emergency services to an appropriate public safety answering point, col. 2, line 36**); that said call identifier is a number selected from a selected set of numbers (**determine the emergency services routing number (ESRN) or telephone number associated with the target E9-1-1 tandem 236, col. 9, line 32**); and that said set is specific to the network to which said

calling terminal (T) is connected *(PSAP connecting to the E911 tandem of fig. 2 where it is designated specifically to the emergency help, col. 3, line 58-col. 4, line 5)*.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 2, 4-6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being obvious over McCalmont.**

As to claims 2 and 4-5, McCalmont does not specifically spell out that said signaling message is a text message; that said text message is sent in the form of electronic mail; and that said text message is sent in the form of an SMS type short message.

McCalmont however teaches the availability of Internet in the computer network and MSC comprising mobile communication device. These types of networks are packet-based and are widely available for the use of text message, e-mail and SMS message.

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to clearly define the capability of a system and add one or two more steps in the method to pin-point to the exact location of the terminal in case an



emergency help is immediately needed for those in distress. It first provides different ways to contact the PSAP not just by voice, but also by text or email format. Secondly and, most important, potential life and time saving is the key to this incorporation rationale.

**As to claim 6**, McCalmont teaches that location data of the calling terminal (T) (*mobile device 268 of fig. 2*) is determined by a location server (SL) (location device 278) belonging to a network (RP) (*Mobile communication network 220*) to which said calling terminal (T) (*mobile device 268 of fig. 2*) is connected, after which said text message is generated (*see claims 2 and 4-5 for teaching on text message*) and sent by a text message server (CC1) (*MSC 276 does this function*) belonging to said network (RP) (*Mobile communication network 220*).

**As to claim 8**, McCalmont teaches that said nature of the call identifier (*see claim 7*) designates at least one number selected from:

McCalmont does not explicitly teach the direct dialing inwards. It is obvious to the ordinary skilled artisan that McCalmont's system is capable of a direct dialing inwards (DDI) number integrated into said signaling message and representing said calling terminal (T) in the network (RP) to which it is connected (*since the DDI feature generally consist of public telephone system numbers (PSTN) mapped to an endpoint, such as VOIP, of the system. The service providers provide this feature for their customer's PBX exchange where the service providers allocated a range of number connected to the PBX where the PBX will route the call within a*

***specific organization, university campus, and USPTO campus without going thru the operator).***

a pseudo-direct dialing inwards number integrated into said signaling message and representing said calling terminal (T) in the network (RP) to which it is connected,

a generic number integrated into said signaling message and representing an entity to which said calling terminal (T) is attached,

a generic number and a pseudo-direct dialing inward number, both integrated into said signaling message and respectively representing an entity to which said calling terminal (T) is attached and said calling terminal (T) in the network (RP) to which it is connected,

a generic number and an area identifier, both integrated into said signaling message and respectively representing an entity to which said calling terminal (T) is attached and a geographical area in which said calling terminal (T) is situated.

**As to claim 11**, see claim 9-10.

**As to claim 15**, it is rejected for the same reason as stated in claims 1 and 2.

### **INQUIRY**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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